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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/634,723
Filing Date: August 05, 2000
Appellant(s): SACHEDINA, SHER (KARIM) .

David W. Grillo (Reg. No. 52,970)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 18, 2006 appealing from the Office action mailed August 18, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2001/0032155 A1 GROAT et al. 10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 11, 16, 21-32, 41, and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Groat et al. (US 2001/0032155 A1).

Groat discloses a user interface to facilitate at least one of analysis and planning of business operations, comprising:

[Claim 1] a first user interface component for selecting operating parameters for at least one of a budgeting and forecasting process, the selected operating parameters including at least one account of a plurality of defined accounts and a time period associated with the at least one process (Fig. 1; ¶¶ 44, 59, 62, 71);

a second user interface element characterizing a method component used to derive base data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

a third user interface element characterizing an impact value derived from the base data, the impact value adjusts the base data to provide adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59); and

a display portion having display areas adapted to display an indication of at least one of the base data and the adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

the second and third user interface elements are selectable to effect a change in the respective method component and impact value associated with the at least one account (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 3] the third user interface element, upon being selected, is adapted to display a list of active impact components associated with the at least one account, each of the impact components being selectable to modify attributes associated with each respective impact component (Fig. 1; ¶¶ 53, 59);

[Claim 4] the impact value for the at least one account is an aggregate of impact values from each of the active impact components (¶¶ 32-46, 53, 59);

[Claim 5] the at least one account includes a plurality of selected accounts of the plurality of defined accounts, each account of the plurality of selected accounts having an associated second user interface element characterizing a method component used to derive associated base data and an associated third user interface element characterizing an impact value adapted to adjust the corresponding derived base data and provide adjusted data for each respective account, the display portion having display areas adapted to display an indication of at least one of the base data and the adjusted data for each of the plurality of selected accounts (Fig. 1; ¶¶ 32-46, 53, 59);

each of the second and third user interface elements are selectable to effect a change in the respective method component and impact value associated with an associated one of the plurality of selected accounts (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 11] the third user interface element further characterizes key result area data associated with the at least one account, the key result area data including a key result area impact value indicative of a desired result for the at least one account, the key result impact value corresponding to at least part of the impact value (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86);

[Claim 16] a fourth user interface element that characterizes a selectable manual impact value associated with the at least one account, the fourth user interface element being associated with a method component adapted to generate key result area data having another key result impact value corresponding to the manual impact value, the manual impact value corresponding to at least part of the impact value (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86);

[Claim 21] the third user interface element is operatively associated with a key result area component that characterizes a desired result for the at least one account, the key result area component providing data indicative of a key result impact value for the at least one account, the third user interface element being further associated with an action plan component that characterizes a objective for another account of the plurality of accounts, the action plan component including data indicative of an action plan impact value for the at least one account that identifies a cost factor associated with achieving the objective (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86).

Groat discloses a computer implemented method to facilitate at least one of budgeting, planning, analysis and forecasting, the method comprising the steps of:

[Claim 22] receiving data indicative of business unit activities (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

storing the data to respective accounts of a plurality of accounts on a computer readable medium (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

generating base data for each selected account of the plurality of accounts, each selected account including an associated method that is applied to the stored account data to determine the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

defining impact data having an impact value derived from the base data for at least one account of the plurality of accounts (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

determining a value of adjusted data as a function of the impact data and the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 23] the impact data includes key result area data having a definable key result area impact value indicative of a desired result for the at least one account, the defined impact value for the at least one account including the key result area impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 24] selectively modifying the key result area data which, in turn, modifies the defined impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 25] the key result data further includes an associated method component that is applied to at least one of the stored account data and the base data to derive the key result area impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 26] the impact data further includes action plan data having an action plan impact value for the at least one account indicative of a cost associated with achieving an objective for at least one of the plurality of accounts related to the adjusted budget data, the defined impact value for the at least account including the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 27] selectively modifying at least one of the key result area data and the action plan data, which, in turn, modifies the defined impact value according to the step of selectively modifying (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 28] the adjusted data defines a first budget, the method further including modifying at least one of the key result area data and the action plan data and generating a second adjusted budget based on the modified user interface element (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 29] the impact data includes action plan data having an action plan impact value for the at least one account indicative of a cost associated with achieving an objective for at least a second account of the plurality of accounts, the defined impact value for the at least one account including the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 30] the action plan data further includes an associated method that is applied to at least one of the stored account data and the base data to derive the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 31] defining calendar data having a calendar time period and a starting day and aligning a plurality of time periods in the stored account data relative to the starting day (¶¶ 44, 62, 71);

[Claim 32] aligning further includes locating a day in each of a plurality of time periods associated with stored account data that matches the starting day of the calendar data (¶¶ 44, 62, 71); and

aligning each of the plurality of time periods of the stored account data so that each of the plurality of time periods has a starting day that matches the starting day of the calendar data, whereby each day associated with each of the plurality of time periods is aligned with a corresponding day of the calendar time period (¶¶ 44, 62, 71).

Groat discloses a computer implemented method to facilitate budgeting, planning, analysis and/or forecasting comprising:

[Claim 41] receiving data that pertains to business unit activities (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

storing the data to a computer readable database as a hierarchical chart of accounts, each account representing a unit of a larger business (Fig. 1; ¶¶ 32-46, 49-57; 53, 59, 62, 68, 71, 86 -- ¶¶ 49-57 explain that the values corresponding to the icons shown in Fig. 1 are stored as hierarchical relationships. An icon can be broken down into sub-icons related to that icon. For example, a "household income" group icon can be broken down into various "individual income" icons to separately represent the income of each household member. In this example, the "household income" functions as the recited "larger business" while various "individual incomes" represent units of the

"larger business." Since these relationships are stored in such a manner that allows the relationships to be represented graphically, including the use of a spreadsheet with cells to store the values to be displayed, it is understood that the data pertaining to business unit activities is stored to a database as a "hierarchical chart of accounts"; Incidentally, & 29 also states that Groat's invention may be applied to an individual, a household, a business, etc.);

generating base data for select accounts from the stored data for a select period of time utilizing at least one method associated with one or more accounts (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

defining an impact value derived from the base data for at least one account based on circumstances external to business operations (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86); and

computing and providing a value of adjusted data as a function of impact data and the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 44] the impact value is defined based on a desired result (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86 -- The establishment of an equation is used to yield a desired answer or result);

[Claim 45] the impact value is defined based on an event (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 46] the computing adjusted data comprises applying an impact to a plurality of accounts based on account relationships as defined by the chart of accounts (Fig. 1; ¶¶ 32-46, 49-57, 53, 59, 62, 68, 71, 86).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-8, 33, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groat et al. (US 2001/0032155 A1), as applied to claims 1, 5, 31, and 41 above.

[Claims 6-8] Groat allows a user to view the effects of different factors on a financial model over a given period of time (Fig. 1; ¶ 71); however, the user is limited to viewing these effects by date. In other words, Groat does not expressly state that data from different periods of time is displayed concurrently. Nor does Groat explicitly disclose the concurrent display of the effects of various factors on the financial model. However, Official Notice is taken that it is old and well-known in the art of computer presentations to concurrently display various factors, scenarios, etc. that are being compared to one another. The concurrent display of compared information facilitates the quick and efficient assessment of data due to its proximity and organized arrangement on a single display screen. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Groat's fourth user interface with the ability to, upon activation, concurrently display the adjusted data and corresponding data for each of the plurality of selected accounts for a different

period of time from that shown in the display areas based on account data stored in connection with each of the plurality of selected accounts (claim 6) and, upon activation, concurrently display the adjusted data and corresponding data for the at least one account for a different period of time from that shown in the display area based on account data stored for the at least one account (claim 7), wherein the fourth user interface component further is adapted to display a daily comparison of the adjusted data and the corresponding data from the at least one account (claim 8) in order to facilitate the quick and efficient assessment of the recited data due to its proximity and organized arrangement on a single display screen, which is consistent with Groat's goal of "[allowing] a user to see how the status of the financial model will change over a given period of time" (¶ 71).

[Claim 33] Groat teaches the step of designating the at least one account for a selected event and determining an attribute impact value for the designated account, the attribute impact value being determined as a function of the stored account data for the designated account for a corresponding event in the stored account data, the defined impact value for the at least one account including the attribute impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86). Groat fails to expressly disclose that the corresponding event occurs in at least one other year; however, Groat does disclose an individual's retirement date as being an account-affecting factor (¶ 59). Additionally, Official Notice is taken that it is old and well-known in the art of retirement planning that many people who take it upon themselves to implement a retirement plan do so at least one year prior to actually retiring. This practice helps to ensure that one will have

sufficient income on which to survive after retirement. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to utilize Groat's invention with a designated account for a corresponding event in at least one other year in order to reap the benefits of Groat's invention in a financial application that requires long-term planning, such as retirement planning.

[Claims 42, 43] Groat discloses that a user enters data pertaining to business unit activities (¶ 32); however, Groat does not expressly teach that the data may also be received from a point of sale (claim 42), a store, or a department (claim 43). However, Official Notice is taken that it is old and well-known in the art of financial data collection to import data from a point of sale, a store, or a department for use in financial analysis. Such an automated data collection speeds up the process of gathering relevant financial data and reduces human error commonly introduced by manual entry of data. Since Groat discloses the type of data that is commonly related to data collected from a point of sale, a store, or a department (e.g., Fig. 1 discloses various personal expenses that affect one's household budget), the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to gather related data directly from a point of sale (claim 42), a store, or a department (claim 43) in order to speed up the process of gathering relevant financial data while reducing human error commonly introduced by manual entry of data.

(10) Response to Argument

Appellant's arguments center around the assertion that Groat fails to teach "a second user interface element characterizing a method component used to derive base data for the at least one account; a third user interface element characterizing an impact value derived from the base data, the impact value adjusts the base data to provide adjusted data for the at least one account." (See pages 4-7 of the Appeal Brief) The Examiner respectfully disagrees. Groat indeed discloses "a second user interface element [Fig. 1; ¶ 18] characterizing a method component [¶¶ 34-36 -- Applying an income tax rate to determine the amount of monthly income to be paid in income taxes or a percentage of the monthly income to be allocated to a retirement account are examples of method components) used to derive base data [¶¶ 34-36 – The income taxes ***or*** retirement account serves as derived base data. They are shown as "Income Taxes" and "Retirement Account," respectively, in Fig. 1] for the at least one account [¶¶ 34-36 – The monthly gross income, i.e., one's income before taxes and retirement contributions are taken out, is "the at least one account." This account is designated as "Monthly Income" in Fig. 1]; a third user interface element characterizing an impact value derived from the base data [¶¶ 34-36 – The net monthly income amount, i.e., the remaining income amount that is to be deposited in the bank account, is derived from the amount paid in income taxes or allocated to a retirement account. The net monthly income amount affects the "Bank Account" balance shown in the Fig. 1], the impact value adjusts the base data to provide adjusted data for the at least one account [¶¶ 34-36 – The net monthly income amount is based on, or derived from, tax and retirement deduction value, which ultimately affects the amount of money to be deposited into the

bank account. Then, the bank account amount may be further adjusted based on an interest rate property of the bank account itself (¶ 38)]."

It should be noted that the term "derived" is very broad and merely refers to the fact that a derived value is based on something else. Appellant's own specification does not make use of the term "derived" *per se*; however, it does refer to "Base data" as being "A field indicating budget data based on applying the Method to stored data" (page 44, Table X of the specification). Similarly, Groat derives bank account balance data based on a gross monthly income and the applied tax rate determination method (e.g., income is taxed at 25%, ¶ 34) or retirement account allocation method (e.g., 10% of the monthly income is to be transferred to a retirement account, ¶ 34). In this scenario, either the amount of money paid in taxes or the amount of money transferred to a retirement account serves as the recited base data. The "at least one account" (or gross monthly income) is impacted by the tax rate and percentage to be transferred to a retirement account accordingly in order to yield a net amount to be deposited into the bank account. The methods used to ultimately determine a bank account deposit and total bank account balance is further impacted by interest accrued by the bank account, as per ¶ 38. All of these relationships are defined in a graphical user interface, shown in Fig. 1, and may be time-dependent (¶¶ 34, 38). The user may input the values of the numeric objects shown in Fig. 1 (see ¶ 32).

In summary, Appellant's arguments are deemed to be non-persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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